

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

DONALD D. SMITH,

Plaintiff,

v.

Civil Action No. 3:15-CV-32
(BAILEY)

MILLERS ELECTRIC CO., INC.,

Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION TO EXTEND DISCOVERY DEADLINE
AND DISPOSITIVE MOTION DEADLINE AND GRANTING PLAINTIFF'S MOTION *IN*
LIMINE TO PROHIBIT DEFENDANT FROM CALLING ANY EXPERT WITNESSES**

Pending before this Court are the Plaintiff's Motion to Extend Discovery Deadline and Dispositive Motion Deadline [Doc. 40] and Plaintiff's Motion *in Limine* to Prohibit Defendant from Calling any Expert Witnesses [Doc. 39]. This Court will grant both Motions.

In support of his Motion to Extend, the plaintiff represents that the parties have been unable to schedule several depositions due to a delay following the withdrawal of defense counsel. As an initial matter, the plaintiff's Motion mentions that defendant has retained new counsel, yet no notice of appearance on defendant's behalf has been filed. This Court notes the certificate of service attached to the instant Motion states the Motion was served using this Court's electronic case filing system, "which will send the notification of such filing to [the Santa Barbara Law Office]." [Doc. 40 at 3]. Such notice, however, did not occur because no attorney has appeared on defendant's behalf. It is not clear to this Court if the defendant is represented by counsel or not. This Court must remind the defendant that as

a corporation, it must be represented by counsel. Accordingly, the defendant is **ORDERED** to obtain counsel immediately and to officially note his or her appearance. In light of the above, this Court finds good cause to **GRANT** the Plaintiff's Motion to Extend Discovery Deadline and Dispositive Motion Deadline [**Doc. 40**], and hereby **EXTENDS** these deadlines as follows:

1. Discovery Completion: February 15, 2016
2. Dispositive Motions: February 22, 2016
 - a. Responses: March 7, 2016
 - b. Replies: March 14, 2016

All other deadlines and trial dates shall remain in full force and effect.

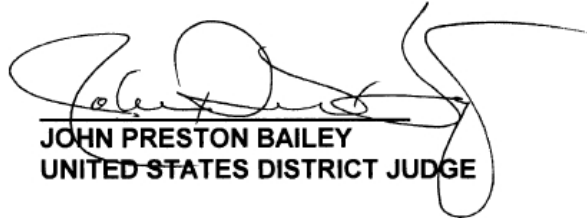
Next, the plaintiff has filed a Motion *in Limine* to Prohibit Defendant from Calling any Expert Witnesses [**Doc. 39**], which was filed November 24, 2015. In support, the plaintiff states the deadline for expert disclosures was November 21, 2015, and defendant has not disclosed any experts to date. Further, the defendant has not responded to the Motion, and the time within which to do so has expired. Accordingly, this Court **GRANTS** the plaintiff's Motion *in Limine* [**Doc. 39**], and hereby **ORDERS** that the defendant be prohibited from calling any expert witnesses.

As a final matter, this Court notes the plaintiff filed a Notice of Mediation [**Doc. 38**] indicating that mediation would take place on November 23, 2015; however, this Court has not received a report of the outcome of that mediation, which is required to be filed within ten (10) days following the mediation. See **Doc. 16** at ¶ 2. If such mediation occurred, the parties are **DIRECTED** to file forthwith the report of mediation.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein and to mail a copy to the *pro se* defendant.

DATED: December 15, 2015.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE